

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MERYL POMPONIO,

Plaintiff,

v.

WESTERN FRANCHISE
DEVELOPMENT, INC.,

Defendant.

Case No. [21-cv-04269-TSH](#)

ORDER TO SHOW CAUSE

On March 24 the Court extended the deadline by which a dismissal or status report should be filed to March 30, 2023. ECF No. 58. In response, Daniel Malakauskas, counsel for Plaintiff Meryl Pomponio, filed a separate report indicating he received a final draft of the settlement agreement on February 28 from Amanda Colvin, Attorney for Defendant Western Franchise Development, sent a signed copy of the agreement to Ms. Colvin on March 11, and had not heard from Ms. Colvin since that time. ECF No. 59. As it was unclear why the agreement had not been finalized, the Court ordered Western Franchise to send a fully executed copy of the agreement to Mr. Malakauskas by March 30, after which the parties were to file a dismissal or updated status report by April 6. ECF No. 60. Mr. Malakauskas has now filed a unilateral report indicating he received a signed settlement agreement from Ms. Colvin on March 28, he sent a proposed stipulated dismissal via email to Ms. Colvin on April 3, and he has since received no response. ECF No. 61.

Based on its repeated failures to comply with court orders and deadlines, the Court **ORDERS** Defendant Western Franchise Development to show cause why its Answer should not be stricken and default entered against it. Western Franchise shall file a response by April 13, 2023, and the Court shall conduct a hearing on April 20, 2023 at 10:00 a.m. by Zoom video

conference. The webinar link and instructions are located at

<https://cand.uscourts.gov/judges/hixson-thomas-s-tsh/>.

Alternatively, if the parties instead file a stipulated dismissal by April 13, this show cause order shall be automatically discharged and the Clerk shall terminate the case.

IT IS SO ORDERED.

Dated: April 7, 2023


THOMAS S. HIXSON
United States Magistrate Judge

United States District Court
Northern District of California